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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,859	11/05/2003	Lee A. Chase	LAC03 P-330	7796
277	7590	11/10/2004	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON, LLP			TSIDULKO, MARK	
695 KENMOOR, S.E.			ART UNIT	
P O BOX 2567			PAPER NUMBER	
GRAND RAPIDS, MI 49501			2875	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/701,859

Applicant(s)

CHASE, LEE A.

Examiner

Mark Tsidulko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-8 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-16 is/are allowed.
- 6) ☒ Claim(s) 1,5-8 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The submission of amendment filed on 9/20/04 is acknowledged. At this point claims 1, 5, 7, 8 have been amended, claims 2-4 and 9-11 have been canceled, new claims 12-17 have been added and the remaining claims left unchanged. Thus, claims 1, 5-8 and 12-17 are at issue in the instant application.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-8 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Chase (US 6,331,068).

Referring to Claims 1, 6-8 Chase discloses (Fig.5) a headlamp assembly including a lens [70], housing [62] and a flexure impact-absorbing member [90] positioned therebetween. The flexure member may have a variable thickness and plurality of ribs (col.9, lines 1-8).

Resistance of the material is a force that works in a direction opposite to force direction of force of influence (impact in this case). Since increasing of the thickness of the flexure member, as well known from the study of strength of materials, increases the resistance of the flexure member (proportional to the thickness), this increasing should be inherently provided in a

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longitudinal direction (direction of impact). Also, Fig. 12A shows a flexure [90] having thickness that varies along a longitudinal direction between the lens and the housing.

For same reason the ribs must be inherently directed parallel to direction of force of impact (longitudinal direction), otherwise rib's structure will not work against deformation of the flexure member to return it to pre-impact position.

Referring to Claim 5 Chase discloses that the flexure member may be made of two or more different materials (col.8, lines 47-51; col.9, lines 5-8).

Referring to Claim 17 Chase discloses (claim 12) a headlamp assembly including a lens [70], housing [62] and a flexure impact-absorbing member [90] positioned therebetween and means for guiding movement of the lens relative to the housing during an impact.

***Allowable Subject Matter***

Claims 12-16 are allowed.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 12 the prior art of record fails to show a preformed bulge positioned at the intersection of the intersecting surfaces of the flexure member.

Referring to Claim 13 the prior art of record fails to show a lens having a guide track for engaging the guide of the housing for controlling the direction of deflection of the flexure member during an impact.

Referring to Claim 14 the prior art of record fails to show a flexure member having undulations.

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Referring to Claim 15 the prior art of record fails to show a flexure member having a sinusoidal cross section.

Referring to Claim 16 the prior art of record fails to show a flexure member having hollow tubes extending transversely.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments filed 9/20/04 have been fully considered but they are not persuasive.

Applicant argues that the references cited do not disclose that the thickness of a flexure member varies in longitudinal direction or the flexure member has a plurality of longitudinal ribs.

In response, resistance of the material is a force that works in a direction opposite to force direction of force of influence (impact in this case). Since increasing of the thickness of the flexure member, as well known from the study of strength of materials, increases the resistance of the flexure member (proportional to the thickness), this increasing should be inherently provided in a longitudinal direction (direction of impact). Also, Fig. 12A shows a flexure [90] having thickness that varies along a longitudinal direction between the lens and the housing.

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For same reason the ribs must be inherently directed parallel to direction of force of impact (longitudinal direction), otherwise rib's structure will not work against deformation of the flexure member to return it to pre-impact position.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

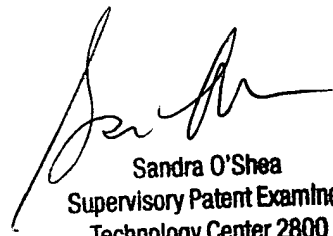
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.

November 2, 2004



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800